

# Grand and Bona Fide Clearing Sale!

SILKS & SATINS, DRY GOODS, CLOTHING, BOOTS & SHOES

AT THE

GREAT EASTERN, 62 Fort St.,

Commencing on Saturday, June 25th,

The entire stock to be sold Without Reserve, and BELOW COST, the Proprietor,

S. MAGNIN, being about to withdraw from the Retail Trade.

SILKS and SATINS, former price \$2.50 per yd. - Reduced to \$1.25 and \$1.35 per yd  
Woolen Dress Goods, former price 60c. - Reduced to 25 and 50 cents per yd  
Cotton and Twilled Sheetings, 10-4, reduced to 40c. and 50c. per yard.  
Double width Cassimeres, former price, \$3 per yd - Reduced to \$2.25  
Swiss Muslins, former price 40c per yard - Reduced to 20c  
Fine Victoria Lawns, former price, 50c per yard - Reduced to 30c  
Fine Window Curtains, former price, \$4 per pair - Reduced to \$1.75 and \$2 per pair

Unheard of Bargains in  
LADIES' & CHILDRENS' HOSE  
In all Colors.

WOOLEN SHAWLS, of all descriptions at prices that will defy competition.  
A LARGE LINE OF  
CHILDRENS' PIQUE DRESSES.

At less than first cost, must be sold; no reserve.

A special line of LADIES' SILK PARASOLS and UMBRELLAS, Pearl, Shell and Ivory  
Handles, that heretofore have been considered bargains at \$4.50 each, now selling  
at from \$2.50 to \$3.50 each.

Lonsdale's soft finish White Cottons, 36 in. wide, former price 20c per yd, now selling for 15c.

MEN'S CLOTHING DEPARTMENT!

Fine White Linen Front Shirts, former price \$2.50 ea. - Reduced to \$1.25 and \$1.50 ea  
A fine lot of French Calico Shirts at half cost.

Very superior and heavy Cashmere Shirts, former price \$4, now reduced to \$2 ea; This is a  
fine shirt for plantation and ranch wear.

Fine Crimean Shirts, all wool, usually sold for \$3. - Reduced to \$1.75

THE LARGEST AND MOST COMPLETE ASSORTMENT OF CLOTHING

In the Hawaiian Islands. Gent's fine suits that have been selling for from \$25 to \$35 per  
suit, now reduced to from \$15 to \$22 per full suit.

Immense Reduction in Boys' Clothing.

MEN'S, LADIES' AND CHILDRENS' BOOTS AND SHOES, are a specialty with  
me, and no one in these Islands can sell under me. The styles and qualities with prices are  
too numerous to mention, but I may state that FINE SHOES that are now selling at other  
places for \$6 and upwards, can be bought of me for \$3.50 to \$4. My stock is not old but  
new and was bought low for cash and as this is a bona fide Clearing Sale,

I DEFY COMPETITION.

I invite inspection of my goods the prices are so low that all who see them must buy. The  
attention of Jobbers and residents of the other Islands is earnestly desired. This is a  
FIRST CLASS opportunity to SECURE BARGAINS, as I am determined to close out  
my entire stock, WITHOUT REGARD TO COST. I cannot give a detailed list of the  
Bargains offered by me as it would more than fill this paper, but I assure customers that they  
will buy largely and satisfactorily if they will only come and inspect my goods and prices.

Remember the address. GREAT EASTERN, 62 Fort Street.

S. MAGNIN.

## Fine Pianos and Elegant Furniture

JUST RECEIVED AT WELLS' MUSIC STORE.

Nos. 66 and 68 Fort Street, Honolulu, H. I.

Owing to the great depression in business on the Coast and in Eastern Cities and  
consequent hard times, Goods can now be bought for CASH LOWER THEN EVER  
BEFORE. Having just returned from the centres of business, and I have taken  
advantage of all opportunities in the way of bargains offered by buying for SPOT CASH a  
large Stock of Goods, which I WILL SELL FOR CASH Cheaper than goods have ever  
been offered heretofore.

GREAT REDUCTIONS ALL ROUND!

Having purchased these Goods at extraordinary low figures, we give our Customers  
the benefit as will be seen by the following prices:

FINE CHAMBER SETS, complete, (Imitation Walnut) - \$ 44.00

These Suits are the same kind and quality as those sold for \$80.  
only Two Years ago.

SOLID WALNUT SUITS, full Marble-top, (formerly sold at \$125) - 100.00  
SOLID WALNUT SUITS, full Marble-top, (formerly sold at \$150) - 125.00

Other Suits at different Prices with cor-

responding Reductions.

OUR STOCK OF FURNITURE COMPRISING

A Full Line of First-Class Goods,

FRESH FROM THE FACTORIES, INCLUDES

Fancy Parlor Chairs, Upholstered Piano Stools, Bouquet Tables,  
Walnut Extension Tables, (fall leaf): Marble-top Centre Tables, What-nots & Side Stands,  
Parlor Suits, upholstered in raw silk, hair cloth & spun silk; Lounges, upholstered same styles,  
Library, Office and Dining Room Chairs, Spring Mattresses, Wire Mattresses,  
Hair Mattresses, Cat Tail Mattresses and Feather Pillows;  
Upholstered Folding Chairs and Patent Rockers, (new styles).

SOMETHING NEW and NOVEL!

THE ELEGANT PATENT SOFA BED, just out. Call & Examine.

Pianos, Organs and Musical Merchandise of every Description.

Alarm Cash Tills, Clocks, Jewelry, &c., &c., &c.

SOLE AGENT FOR THE

Popular American Sewing Machine!

CHROMOS—New Subjects, New Frames, New Prices  
PANELS—In over one hundred different Styles and Sizes, and at greatly reduced prices.

PICTURE FRAMES—Of every kind and description made to order.

CABINET RUSTIC PICTURE FRAMES—Prices greatly reduced, \$2.50 per Dozen, 4 for \$1.

Also, a Large Variety of BRACKETS, EASELS, MUSIC RACKS, WALL POCKETS, Etc., Etc.

Orders from the other Islands filled with dispatch.

Thanking the Public for their very generous patronage in the past, I hope by close attention to business and a careful consideration  
of the wants of the people, to merit a continuance of the same.

GEO. F. WELLS.

P. S.—Pianos and Organs Tuned and Repaired by a First-class Workman. Leave your Orders at Wells' Music Store, Nos. 66  
& 68 Fort Street.

## THE PACIFIC Commercial Advertiser.

SATURDAY, JULY 9, 1881

SUPREME COURT OF THE HAWAIIAN ISLANDS.—IN ADMIRALTY.

BEFORE MR. JUSTICE JUD, AT CHAMBERS.

H. A. P. Carter, Attorney-General, ad interim,

vs Steamship Mee-Foo.

Opinion of the Court.

This is a libel and information in Admiralty  
by the Attorney-General against the Chinese  
steamship "Mee-Foo," her tackle, apparel and  
furniture, alleging that this steamship arrived in  
the port of Honolulu on the 23d of February last,  
with a large number of Chinese passengers on  
board, some of whom were ill and suffering from  
the infectious and dangerous disease of small-pox,  
and that, thereupon, the vessel, her crew and  
passengers were placed in quarantine by the  
Board of Health. That, thereupon, the vessel  
became liable to the Board of Health and the  
Attorney-General to pay all the expenses incurred  
by them in consequence of the quarantine; that, in  
order that the vessel might proceed on her voyage  
to San Francisco, it was agreed that she might  
be released on condition that the Agents of the  
steamship, Messrs. Sin Chong & Co., and one  
Loo Ngawk, should enter into a bond to the  
Minister of the Interior, and the President of the  
Board of Health, in the sum of eight thousand  
dollars, to become void on the payment on de-  
mand of all expenses that might be incurred by  
the obligee of the bond, as he might deem reason-  
able and proper, in consequence of the existence  
on, or for reason of the introduction of, the  
small-pox by the said steamship. That the bond  
was executed and the steamship released. That  
the Board of Health have expended the sum of  
\$5,119.50, in consequence of the quarantine,  
and payment of this sum has been de-  
manded from the obligors of the bond, who have  
refused to pay. That the said steamship has  
returned to, and is now, in the port of Honolulu,  
and by law changed with and liable to pay this  
demand. The prayer is for attachment; for de-  
crees for the said sum of \$5,119.50, and that the  
ship be condemned and sold to pay this sum and  
the costs of the suit, and that the said sum of  
\$5,119.50, to which they have pleaded, and that  
said action is for the same identical causes  
of action in this suit mentioned, and prays that  
the libel may be dismissed.

An inspection of the record of the suit referred  
to, discloses that it is an action by the Minister  
of the Interior and President of the Board of  
Health, against the Chinese steamship "Mee-Foo,"  
to recover the sum of \$5,119.50 expended by the  
Board of Health in consequence of the quarantine  
of the Mee-Foo, and for the payment of which the  
bond of \$8,000 was introduced by the defendants.

The question is if this libel shall be upheld by  
reason of the pendency of the suit at law.

In 1. Bacon's Abridgement, p. 29, the doctrine  
of law appears as follows:

"The law abhors multiplicity of actions, and  
therefore whenever it appears on record that the  
plaintiff has sued out two writs against the same  
defendant for the same thing, the second writ  
shall abate." It is further there stated that the  
second writ must plainly appear to be for the same  
thing." In the note to this text it is said,

"By the same cause of action is meant what  
will be supported by the same evidence."

Chitty says, "In general, the pendency of a  
former action must be pleaded in abatement." 1  
Chitty, Pl. x 454.

In Commonwealth vs 5 Mass. 174, Parson, C.  
J. says: "It is very well known that a man  
cannot bring a second action for the same cause,  
for which he has a prior action pending."

The argument is made for the libellant that  
these actions are not identical, that a bond was  
given to release the vessel, and that the condition  
in this bond to pay whatever expenses might be  
incurred in consequence of the small-pox being  
on the Mee-Foo has not been fulfilled, and the  
Government is entitled to its original condition,  
and can now hold the steamship liable, as it  
could have primarily. It seems to me that the  
answer to this is the fact that the Government  
did accept a bond in lieu of holding the vessel  
and has brought its action on that bond to  
recover the money, and cannot now assume its  
original position. Are the actions identical?

Both actions are brought by the Government, the  
first one by the Minister of the Interior and  
President of the Board of Health for the Govern-  
ment, and the second is a libel and information  
by the Attorney-General in behalf of the King  
and Government. The first suit is against the  
obligors of the bond, who are the agents of the  
Mee-Foo but who substituted their personal  
liability in place of the vessel. This libel is  
against the vessel herself. The difference is  
technical. The two actions are by the same  
party, the Government, to recover the same sum  
of money expended in the same behalf to wit, the  
expenses incurred by the Board of Health in  
consequence of the presence of the small-pox in  
the Mee-Foo.

To apply the test given in Bacon's Abridgement,  
the evidence to support one case would  
support the other.

As I am of opinion that the previous action  
now pending is for the same thing as the one  
before me, the present action must abate.

I decree accordingly.

A. FRANCIS JUD,  
Justice Supreme Court.

E. Preston for Libellant. A. S. Hartwell for  
Respondent.

Honolulu, June 30th, 1881.

SUPREME COURT IN PROBATE.

IN CHAMBERS.

Before Mr. Justice McCully.

In re, ESTATE OF HENRY GORDON, DEC., INTESTATE.

In proceedings on the distribution of the  
estate to the heirs at law, one Anin claimed to  
be entitled to take share as the husband of Emme-  
line, dec., a daughter of the intestate. The claim  
of Anin is contested on the ground that his mar-  
riage was not valid for the reason that Emme-  
line was under the age of 14 when married. The  
marriage was solemnized in August 1880, when  
she was of the age of 12 and she died of small-  
pox in March 1881, being yet under 14 years of  
age.

The 1284th section of the Civil Code as amend-  
ed in 1872 reads as follows: "In order to vali-  
date the marriage contract, it shall be necessary  
that the respective parties be not in each other's  
within the fourth degree of consanguinity. That  
the male shall, at the time of contracting mar-  
riage be at least seventeen years of age, and the  
female at least fourteen years of age, and that the  
man shall not have at the time a wife living; and  
that the woman shall not have at the time a  
husband living. It shall also be necessary to  
validate the marriage of native female subjects of  
these islands, with male foreigners coming here  
to reside, that the foreigners have become first  
duly naturalized by taking the oath of allegiance,  
and it shall in no case be lawful to marry in this  
Kingdom without license for that purpose first  
obtained from the agent duly authorized to grant  
licenses to marry, agreeably to the laws."

The 1313th section provides that a marriage  
may be declared null for corresponding cause  
and that in the 1314th section that "a suit to annul  
marriage on the ground that one of the parties  
was under legal age may be brought by the  
parent or guardian entitled to the custody of such  
minor or by any person admitted by the Court to  
prosecute as the friend of such minor, but in  
no case shall such marriage be annulled on the  
application of a party who was of legal age at  
the time it was contracted, nor when it shall  
appear that the parties, after they attained the  
legal age, had for any time freely cohabited as  
man and wife."

The claimant contends that his marriage was  
not void but merely voidable, if a suit should be  
brought to annul it in the lifetime of his wife  
and if she should not have cohabited freely and  
voluntarily with him after attaining the age of  
14 years, and that as she has died without such  
annulment, whereby no annulment suit can be

brought, he must hold the relationship of husband  
for the purpose of taking her estate.

The reason of the Statute which provides that  
a suit for annulment shall not be brought by the  
party who was of age to marry is plain, that he  
shall not take advantage of his own wrong.

The marriage then may be confirmed, that is com-  
pleted and made valid by voluntary cohabitation  
after reaching the legal age, without another  
solemnization. The provision for bringing suit  
for annulment is only limited by the negative of  
the party who was of age. Parents, guardians,  
or any person admitted by the Court may bring  
the suit on behalf of the minor. Upon the judi-  
cial determination of the fact of non-age the  
Court finds that the marriage was null, *ab initio*,  
that it had never been a valid marriage. And  
in the connection it may be observed that a  
penal Statute enacted in 1874, subsequent to the  
provisions of the Civil Code above cited makes  
sexual intercourse with any female of this King-  
dom under the age of fourteen years an offense  
punishable by imprisonment at hard labor not  
less than three nor more than eighteen months,  
with no exception in favor of marriage.

Under the proceedings in a probate Court it  
becomes necessary to determine an alleged fact  
of marriage. If Anin takes in the distribution  
of this estate it is because he was legally married  
to Emmeline Gordon. He can only take on proof  
of a union with her. This Court must  
ascertain if he stands in an inheriting relation-  
ship, as well if he claims it by marriage as if the  
claim were by consanguinity. There can be no  
doubt that the question can be raised by any  
person interested in the distribution, and it has  
been raised in this case. The claimant argues  
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